



# AUSTIN POLICE DEPARTMENT

## TRAINING BULLETIN

Date: June 28, 2019

### **COA: Aggressive Confrontation Ordinance**

**Aggressive Solicitation has been changed to Aggressive Confrontation.**

**This ordinance takes effect on July 1, 2019**

On June 21, 2019, City Council amended the “aggressive solicitation” ordinance in the City Code to prohibit “Aggressive Confrontation”. The revised ordinance now prohibits a person from aggressively confronting another person. The act of soliciting another person for money or another thing of value is no longer an offense in of itself. However, if, while soliciting money or another thing of value, the person soliciting confronts another person in an aggressive manner in a public area, the person soliciting does commit an offense. The definition of “public area” did not change from the definition in the ordinance that prohibited solicitation.

Thus, an officer responding to a call in a public area that may involve a violation of the new “Aggressive Confrontation” ordinance should not consider whether the subject at issue was soliciting money or another thing of value from the victim when determining whether an offense occurred. Instead, the officer should only consider whether the subject acted aggressively while confronting the complainant as described in the ordinance.

This is the relevant language of the new ordinance:

#### **§ 9-4-13 AGGRESSIVE CONFRONTATION PROHIBITED**

(A) The council finds that:

- (1) Aggressive confrontations in public areas are disturbing and disruptive to residents and businesses and contribute to the loss of access to and enjoyment of public places and to a sense of fear, intimidation and disorder.
- (2) Aggressive confrontation includes people approaching or following pedestrians, repetitive attempts to confront another person despite refusals, the use of abusive or profane language with the intent to cause fear and intimidation, unwanted physical contact, or the intentional blocking of pedestrian and vehicular traffic.

(3) This section is intended to protect citizens from the fear and intimidation accompanying certain kinds of aggressive confrontations, and not to limit a constitutionally protected activity.

(B) In this section:

(1) AGGRESSIVE MANNER means intending to cause a person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession by:

(a) making any physical contact with or touching another person in the course of the confrontation without the other person's consent when the person knows or should reasonably believe that the other person will regard the contact as offensive or provocative;

(b) following the person being confronted, if that conduct is:

(i) intended to cause a person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or

(ii) intended to intimidate the person being confronted into engaging in acts or behaviors the person would not otherwise do or perform;

(c) continuing to confront a person within five feet of the person being confronted after the person has demanded that the confrontation cease;

(d) blocking the safe or free passage of the person being confronted or requiring the person, or the driver of a vehicle, to take evasive action to avoid physical contact with the person initiating or continuing the confrontation; or

(e) using obscene or abusive language or gestures toward the person being confronted in a manner that tends to incite an immediate breach of the peace;

(2) CONFRONT means to approach and threaten or intimidate another person by words or actions in a manner reasonably calculated to detain, hinder, or delay the person.

(3) PUBLIC AREA means an outdoor area to which the public has access and includes, but is not limited to, a sidewalk, street, highway, park, parking lot, alleyway, pedestrian way, or the common area of a school, hospital, apartment house, office building, transport facility, or shop.

(C) A person commits an offense if the person confronts another person in an aggressive manner in a public area.

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Ordinances are subject to change and may be amended as required by City Council.